

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3050
)	
V.)	
)	
BOBBIE H. KEYS,)	ORDER
)	
Defendant.)	
)	

IT IS ORDERED: Pursuant to Federal Rule of Criminal Procedure 15, and upon motion of the defendant, and without objection by the government, the defendant may take the deposition of trial witness Dan Radar because of exceptional circumstances and in the interests of justice, to wit: defense counsel represents that the witness is infirm and travel from Kansas City, Kansas to Lincoln, Nebraska would be difficult for the witness. Pursuant to Federal Rule of Criminal Procedure 15(g), objections shall be made at the time of the deposition but without undue argument. Foundational objections shall specify what foundations is lacking so that opposing counsel may cure the foundational objection if that is possible. The deposition may be used at trial subject to such rulings as the Court may subsequently make. The deposition shall commence at approximately 1:00 PM on Friday, March 30, 2012 (today). By agreement of the parties, the deposition will be conducted and recorded using the Court's video conference equipment with the defendant, defense counsel and the prosecutor in Courtroom No. 1 in Lincoln, Nebraska and the deponent in the federal courthouse in Kansas City, KS. The media produced by the video conference equipment shall be used to present the deposition to the jury. However, the Clerk shall obtain a transcript of the deposition following trial. Since the defendant is indigent, and pursuant to Federal Rule of Criminal Procedure 15(d), the United States of America (the Justice Department) shall pay the costs of the transcript.

DATED this 30th day of March, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge